

Minneapolis City Planning Department Report

Rezoning
BZZ - 1143

Date: June 2, 2003

Applicant: Michael Lawrence

Address Of Property: 2500 Aldrich Ave S

Date Application Deemed Complete: May 2, 2003

End of 60 Day Decision Period: July 1, 2003

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Ward: 10 **Neighborhood:** Lowry Hill East

Existing Zoning: R2B

Proposed Zoning: R5

Proposed Use: Mixed-income planned residential development

Previous Actions:

None

Background:

According to property records, the existing 6 unit building on this property was constructed in 1883. In 1983, the building was converted from a rental property to a condominium building. As a multiple family development on a R2B-zoned parcel, it is presumably legally nonconforming with respect to land use. However, this has not been confirmed through application for Certificate of Legal Nonconforming Use.

The property is nonconforming with respect to parking. The applicant asserts that four parking spaces are available. Six are required. The property appears to be nonconforming with respect to setback on three sides. Only a few feet separate the building from the residential structure on the property to the south.

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The applicant originally brought in application materials for a certificate of legal nonconforming use, but subsequently withdrew the application in favor of an application to rezone the property from R2B to R5.

The applicant is advancing the application to remedy difficulties encountered in the sale of one of the condominium units. A potential buyer was unable to get a mortgage through an MCDA residential finance program because of the nonconforming status of the property. The applicant has not provided information that indicates that the same difficulty would have been encountered with a private lender. Nor has evidence been provided that shows that if the property had a certificate of nonconforming use rather than R5 zoning there would still be difficulties in getting a mortgage. The applicant's realtor has indicated that a number of lenders would be willing to provide a mortgage for one of the condominiums if the building had a certificate of nonconforming use. Condominium units have been sold in the past without difficulty.

Three messages have been received in response to this proposal—two via e-mail (attached) and one by phone. All expressed concern about the proposed rezoning.

REQUIRED FINDINGS FOR REZONING

The Minneapolis City Planning Department has analyzed the application and makes findings with respect to the following considerations:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The amendment is not in conflict with the applicable policies of the comprehensive plan. The Minneapolis Plan directs future housing growth to designated features such as activity centers, and commercial and community corridors. Aside from the policies related to these specific plan features, it calls for both a) general growth in the city's housing stock, and b) maintenance of different types of residential settings.

4.9 Minneapolis will grow by increasing its supply of housing.

4.11 Minneapolis will improve the availability of housing options for its residents.

Implementation Steps

Provide and maintain moderate and high-density residential areas.

Provide and maintain areas that are predominantly developed with single and two family structures.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

As documented above, the rezoning application is intended to make it easier to sell a condominium unit. This would benefit the property owner.

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There is no apparent benefit to the public in the rezoning of this property. The existing structure appears out of scale with the adjacent property to the south. Even were it ultimately replaced with another multi-family development, a building with fewer units would seem to be more compatible with surrounding development.

The community is currently a mix of medium-to-high density residential development, and lower density housing. Because of community interest in stopping further multi-family development in the interior of the neighborhood, the City Council adopted an interim ordinance that prohibits the development of new multifamily housing. City staff, with community participation, is engaged in a planning study that is examining the appropriate zoning of property in the Lowry Hill East neighborhood, giving particular attention to property that does not border on the commercial and community corridors bounding the neighborhood.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The subject property is zoned R2B. Adjacent property on three sides—to the west, south, and across the street to the east—is also zoned R2B. Property across the street to the north is zoned R6.

The property can be considered to be part of a small multi-family housing node. Between Aldrich and Bryant on 25th Street, two of the corners are zoned for and used for multi-family development. The other two corners, including the subject property, are used for multi-family development but are not zoned for multi-family development.

The subject property as developed has only four parking spaces, very limited setbacks, and virtually no impervious surface. It does not seem compatible with the scale of single family and duplex residential properties to the south, and across the street to the east.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The property is presumably legally nonconforming, and can continue to be used as a six unit condominium building as long as the building stands.

Upon demolition or destruction of the current building, the property could be used under current zoning for a single family residence. It could be used for a duplex if a variance is obtained to allow a duplex to be constructed on a lot with area less than 10,000 square feet. These are reasonable uses for a 6,412 square foot property.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property

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was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

No recent changes in the character or trend of development in this area have been reported.

STAFF RECOMMENDATION ON REZONING APPLICATION:

The City Planning Department recommends that the City Planning Commission adopt the above findings and recommend **denial** of rezoning of the property at 2500 Aldrich Ave S from R2B to R5.